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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,231	02/02/2004	Jay S. Walker	03-063	9492
22927	7590	01/09/2008		
WALKER DIGITAL MANAGEMENT, LLC			EXAMINER	
2 HIGH RIDGE PARK			NGUYEN, BINH AN DUC	
STAMFORD, CT 06905			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			01/09/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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## Office Action Summary

Application No.

10/770,231

Applicant(s)

WALKER ET AL.

Examiner

Binh-An D. Nguyen

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/2/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The Amendment and Response to Restriction Requirement filed October 29, 2007 has been received. According to the Amendment and Response, Invention II has been elected; further, claims 1-16 have been canceled; and claim 20 has been amended. Currently, claims 17-20 are pending in the application. Acknowledgment has been made.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Seelig et al.(5,560,603).

Referring to claim 20, Seelig et al. teaches an apparatus comprising: a memory; a communication port; and a processor operative to communicate with the memory and the communication port, wherein the processor is further operable to: perform a method comprising: determining a first event that occurs during play of a gaming device, e.g., paying winning outcome of slot game (3:32-38); determining a first payout for the first event (3:32-38); providing the first payout to a player associated with the first event (3:32-38); determining a second

event that occurs during play of the gaming device, e.g., the racing game (3:5-31, 40-55), the second event occurring at a time after a time at which the first event occurs (3:5-31, 40-55); determining a second payout for the first event, based on the subsequent occurrence of the second event; and providing the second payout to a player associated with the first event (3:56-4:7), thereby providing a retroactive payout for the first event (3:5-31, 40-55; 3:56-4:7). Note that, the limitations of a memory, a communication port, and a processor operative to communicate with the memory and the communication port are inherent from the electronic slot machines and controllers thereto (4:8;5:9).

Referring to claim 17, the apparatus of Seelig et al. addressed above is capable of performing a method for directing a gaming device, comprising: determining a first event that occurs during play of a gaming device, e.g., paying winning outcome of slot game (3:32-38); determining a first payout for the first event; providing the first payout to a player associated with the first event; determining a second event that occurs during play of the gaming device, the second event occurring at a time after a time at which the first event occurs, e.g., the racing game (3:5-31, 40-55); determining a second payout for the first event, based on the subsequent occurrence of the second event; and providing the second payout to a player associated with the first event (3:56-4:7), thereby providing a retroactive payout for the first event (3:5-31, 40-55; 3:56-4:7).

Referring to claim 18, Seelig et al. teaches determining the first event comprises at least one of: determining an occurrence of a first outcome; and

determining an occurrence of a first symbol, e.g., result of indicia combination of slot machine (3:32-38).

Referring to claim 19, Seelig et al. teaches determining the second event comprises at least one of: determining an occurrence of a second outcome; and determining an occurrence of a second symbol (3:40-48).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Manship et al. (5,393,061) teaches video gaming machine having different payout tables.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BN



Robert E Pezzuto  
Supervisory Patent Examiner  
Art Unit 3714